

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

August 11, 1977  
10:00 A. M.

Council Chambers  
301 West Second Street

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The meeting was called to order with Mayor McClellan presiding.

Roll Call:

Present: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen, Trevino

Absent: None

The Invocation was given by Reverend Richard E. McCabe, of St. Theresa's Catholic Church.

MINUTES APPROVED

Mayor Pro Tem Snell moved that the Council approve the Minutes for August 4, 1977, with the following correction, submitted by Councilmember Mullen, on Page 22:

"He said he thought the only money lost would be the interest needed to repay the loan needed to carry the City over the 13 day shift period," should read, "He said he thought the only money would be the value of the money that the \$2 to \$3 million would have earned during the 13 day shift period."

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers Cooke,  
Goodman, Mullen, Trevino

Noes: None

Abstain: Councilmember Himmelblau

## ZONING HEARING

Mayor McClellan announced that the Council would hear the zoning case scheduled for 10:00 a.m., for Public Hearing at this time. Pursuant to published notice thereof, the following zoning application was publicly heard:

E. L. SHEPPARD,  
ET AL  
By Donald Bird  
C14-77-067

12003-12005 Bell Avenue  
12001 U.S. Highway 183

From Interim "AA" Residence  
1st Height and Area  
To "GR" General Retail  
1st Height and Area  
NOT Recommended on the entire  
site.  
RECOMMENDED 25 feet of "A"  
Residence, 1st Height and  
Area along the northern,  
western and southern boundaries  
excluding the area for drive-  
way access to U. S. Highway  
183 only, and "GR" General  
Retail, 1st Height and Area  
on the remainder of the tract,  
by the Planning Commission

Mayor McClellan announced that this was a continuation of a hearing begun last week. No action was taken then because the vote was split 3-3. Mr. Thomas C. Knickerbocker, Planning Department, announced he was in attendance from that department, but did not plan to make another full staff presentation.

Mayor McClellan said she had some questions. At the last meeting, she was one who voted against a curb cut on Bell, and for the buffering. She said she had driven out to the area and found the situation closer and tighter than she had imagined. She said her concern was the narrowness of Bell Avenue. The drive from the car wash at Bell comes out at such a point that it looks like it would be opposite a proposed curb cut on the site in question. If people were driving on 183 and turned left onto Bell to enter the restaurant and there was no curb cut, they would go on into the neighborhood. She wondered if there could be a curb cut for "entrance" purposes only. But she said she did not know if this could be enforced.

Mr. Joe Ternus, Director of Urban Transportation, said his department became involved in the issue because everyone wants to avoid additional traffic entering the neighborhood. He said denial of access from Bell Avenue would from a traffic standpoint tend to increase traffic in that neighborhood. There appears to be three issues, he said, (1) zoning, (2) access, (3) relationship of the car wash, antique shop, etc., are the issues, some of which occurred prior to annexation of the area by the City. He said it was not his place to speak to the zoning issue, but would address the traffic circulation aspects. In nearly every piece of property in the City, he pointed out, a piece of property has access off both streets. Denial of access from Bell would be highly unusual and would not be known by the average person driving on 183. If the driveway is not there, they will probably wander into the neighborhood, causing the situation everyone is trying to avoid. Mr. Ternus then called the Council's attention to charts he had prepared to show traffic alternatives which could be worked out in the area:

1. Bell Avenue is 80 feet wide. Erect a median down the center of Bell to direct the traffic flow. (Councilmember Himmelblau wondered if that would encourage more commercial development in the area. Mr. Ternus did not think so.)
2. Open Tweed Court to traffic.
3. A protective island so no traffic could go into Conrad.
4. A physical barrier to the neighborhood, plus the opening of Tweed Court.

Mr. Ternus pointed out that he was not recommending any of these alternatives at this time, but wanted to show the Council several options. He said what he was proposing was that if the Council permits the zoning, access be permitted from Bell and not denied. He said he felt the location and design of the driveway should be subject to two things, first a review of the site plan to insure the internal traffic circulation on that site plan will carry out the goals that everyone is trying to achieve and that the location of the driveway and internal on-site circulation are compatible. Second, that the actual design and the location of that driveway be determined after the Council reviews the information Urban Transportation would refer back to the Council in the form of a study on the various options. He said the location and design of the driveway is critical. Councilmember Trevino wanted to know how long it would take to get the study. Mr. Ternus replied they could have a report in four to six weeks. Councilmember Goodman told Mr. Ternus that the options were interesting, but he would not want to vote on the zoning until the study by Urban Transportation is completed. He said several residents of the neighborhood are in attendance at the meeting and thought it would be a good idea for them to meet with Mr. Ternus at that time and have him go over his options with them. Mayor McClellan stated the applicant should be participating in this too.

MR. DONALD BIRD, representing the applicant, said he thought the applicant could live with Mr. Ternus' recommendations. He said timing was crucial and they could not wait six weeks for a study. If zoning, he said, is granted as the applicant requests, with 10 feet of buffering on Bell, 10 feet on 183, and 25 feet on the back, and not deny the access on Bell, he pointed out the Council would still have a lever if they placed a condition on them concerning application for a driveway permit. The condition would be for the applicant to submit plans not only to the Engineering Department, but also to Mr. Ternus for his approval of their internal traffic pattern. Mr. Bird said that condition would give City staff extra power, rather than just the driveway ordinance, to locate the pattern suitable to Mr. Ternus' studies. He asked the Council not to continue this with conditions of which direction of the street is approved. He did not think the zoning needed to be conditioned on the study which is finally accepted.

Mayor McClellan expressed concern about granting access until they had gone through the steps suggested by Mr. Ternus. She asked an opinion on granting zoning subject to ingress and egress approval by the Council.

Mr. Jerry Harris, City Attorney, said one option could be granting of the zoning subject to the approval of final site plan on the ingress and egress. Mr. Bird said he did not want the zoning approval conditioned on the

study by Mr. Ternus. This would mean a two month delay and the restaurant would not be built there. Mr. Harris explained that when the City Council grants zoning, subject to certain conditions, the zoning ordinance is never passed until the conditions are met. If it is a restrictive covenant, or if it is approval of site plan, the ordinance would not be passed until that condition is met. Mr. Ternus said if they could separate the two issues, one being access, the other being the type of access, he thought the zoning could be granted with the design to be determined by the Council after the study has been completed.

After further discussion, it was decided that representatives of the neighborhood should go with Mr. Ternus to a meeting room, discuss the issues, and return to the Council Chambers for action on the proposed zoning. Later in the morning, the neighborhood group, Mr. Bird and Mr. Ternus returned to the Council Chamber.

MR. COYLE BUEHLER, representing the residents said they had discussed all the alternatives Mr. Ternus had suggested. He said they got involved in discussing the merits of the alternatives rather than what to do with their lives. He said they were thinking of making a decision now that would effect their lives for some time and the majority of the residents feel they should examine the full impact, not only for this zoning, but the larger areas to be zoned later, which would effect the traffic flow. He said they were opposed to the curb cut on Bell because they feel it will increase traffic in the neighborhood. "We think a complete study should be made by the Urban Transportation Department of the traffic flow in that area."

Mayor McClellan asked if the traffic study could be done in a two-week period. Mr. Ternus answered that it would take four to six weeks because they are talking about major land use changes that are to the west. "We are talking about coordination of various alternatives with the neighborhood groups. We are talking about a very comprehensive study to provide you with basic information to make roadway alternatives."

After further discussion concerning the hardship to the neighborhood, the pro's and con's of a curb cut, etc., the following motion was made.

#### Motion

Councilmember Goodman made a motion to postpone the decision on this zoning case for one month. Councilmember Trevino seconded the motion.

Mr. Buehler, neighborhood representative, stated there was some concern that if there is a postponement the sale may not go through. He said after the last Council Meeting they were told if they did not allow this to go through, the applicant would request office zoning and put a massage parlor in there rather than a restaurant.

Mr. Bird returned to say the main issue seemed to be where the curb cut should be. "What kind of curb cut that is and whether it is ingress only or ingress and egress, I think could be determined after Joe does his study and they could apply that study to our permit for a curb cut for a driveway. And there is your control. You have control of the study and the staff, based on that,

has control of our driveway. We would like to ask you to consider the zoning question now...not conditioned on the study, but condition our driveway permit on meeting the requirements of whatever scheme that you finally approve."

Councilmember Cooke expressed concern that the end result of the zoning be good for the neighborhood and agreeable to the owners. Mr. Ternus informed the Council proposals from his department would be reviewed by the neighborhood and then presented back to the Council. At that time everyone would have the opportunity to express their views and concerns. He said the reason he felt strongly that the driveway design should be based on the study is because whatever type of driveway is put in, and how it is done, will be dependent on circulation patterns of the roadway.

#### Substitute Motion

Councilmember Himmelblau stated: "Let me say, I was one of the ones that voted a couple of weeks ago for the curb cut on Bell. I will not vote for it at this time. I will vote for the zoning with the buffering recommended by the Planning Commission, but under no conditions whatsoever will I vote for a curb cut on Bell. That's a motion." Councilmember Goodman seconded the motion.

Councilmember Mullen said he thought that recommendation would create more problems in the neighborhood. He said he thought the Council and neighborhood residents should listen to the Director of Urban Transportation who has tried to make an analysis to advise what is best.

#### Second to Substitute Motion Withdrawn

Councilmember Goodman withdrew his second to the substitute motion.

#### Substitute Motion - Died for Lack of a Second

Councilmember Cooke made a substitute motion to grant zoning with the approval of the final site plan with ingress and egress. The motion died for lack of a second.

There was considerable discussion among members of the Council concerning ingress and egress, buffering, future commercialization on Highway 183, and over all problems of the area. Mr. Bird reiterated an excessive amount of time taken up in a study would cost the applicant the sale to the restaurant. Then the owners would have to try to find someone else to sell it to. Councilmember Goodman stated he thought there was no way the Council could reach a decision today and they should take time to review the suggestions presented by Mr. Ternus.

MR. H. D. WALKER appeared before the Council to say that he is the owner of the lot adjacent to the lot in question. Any person who bought his property would be right in back of the restaurant. Both lots are 150 feet wide and even with buffering, he said, anything constructed on the lot would be close to his lot. He suggested the whole thing be disallowed since the owner is U.S. Life, a multi-million dollar corporation and it would not, in his estimation, hurt them to sell the land for what it is presently zoned.

Substitute Motion

Councilmember Mullen made a substitute motion to grant "GR" General Retail, 1st Height and Area District, with 25' of buffering on the back, 25' on Bell and 10' on 183 with a curb cut on Bell with ingress and egress worked out by the Planning Commission and Urban Transportation. Councilmember Cooke seconded the motion.

Friendly Amendment to Substitute Motion

Mayor McClellan offered a friendly amendment that the site plan be brought back to the Council for approval, as well as the issuance of the driveway permit. Councilmembers Mullen and Cooke accepted the friendly amendment.

Roll Call on Substitute Motion - Failed

Ayes: Councilmembers Cooke, Mullen, Mayor McClellan  
Noes: Councilmembers Goodman, Himmelblau, Trevino, Mayor Pro  
Tem Snell

The Mayor announced that the substitute motion had failed.

There was further discussion concerning Councilmember Goodman's original motion. After questions concerning the timing of the study, City Manager Davidson stated the study would proceed immediately if the motion passed.

Roll Call on Original Motion

Roll call on Councilmember Goodman's motion, Councilmember Trevino's second, to postpone the zoning case for one month and immediately proceed with the transportation study, carried by the following vote:

Ayes: Councilmember Trevino, Mayor Pro Tem Snell, Councilmembers  
Goodman, Himmelblau  
Noes: Mayor McClellan, Councilmembers Cooke, Mullen

WASTEWATER MAIN IN NORTHWEST DISTRICT PARK

Mayor McClellan opened the public hearing scheduled for 11:00 a.m. on the construction of approximately 200 feet of 18-inch wastewater main in Northwest District Park to facilitate utility adjustments for the north extension of MoPac.

Mayor McClellan pointed out that they have a memorandum from City Attorney Jerry Harris concerning this. She asked that the City Manager and members of the staff discussing this issue address themselves to two questions:

1. In your opinion is there any feasible alternative to the use of this park land for wastewater purposes?
2. In your opinion has all reasonable planning been undertaken to minimize any harm to use of this land as a park?

Mr. Rodger White, Water and Wastewater Department, appeared before the Council to state that this public hearing is required by state law since parkland is to be used for other purposes. A wastewater main is being relocated to accommodate the MoPac Boulevard construction project. The area served by this line, he said, is west of Shoal Creek and more or less along Far West Boulevard. The project has been considered by the Parks and Recreation Board and had been approved and endorsed by them. As to feasible and prudent alternative uses, Mr. White said that they have been looked at in the routing of this line, one being to the north along Pinecrest Drive. This, he said, would require approximately 1,000 additional feet of pipe and would involve considerable more expense, and would still involve crossing some of the park. Mr. White stated that damage to the park would be kept to a minimum. A stretch of the proposed line is in a tree area, and there will be a 35-foot bore in the stretch to prevent damage to the trees. Land will be re-leveled and re-seeded. City Manager Davidson said staff does not think the alternative would be feasible and recommends the above proposal. No one appeared to be heard.

#### Motion

Councilmember Mullen moved that the Council close the public hearing and find that there is no feasible and prudent alternative to the use of this land for wastewater purposes, and that this project includes all reasonable planning to minimize harm to such land in the park, and to approve the project. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Goodman, Mullen, Trevino, Mayor McClellan,  
Mayor Pro Tem Snell, Councilmember Cooke

Noes: None

Not in Council Chamber when roll was called: Councilmember Himmelblau

#### PROPOSED FAIR HOUSING ORDINANCE

The Council had before it for consideration the Proposed Fair Housing Ordinance. Mayor McClellan told the Council she wanted to take personal privilege, after a decision is made on this morning's discussion procedure, to explain some of the changes in her version of the Ordinance which had been presented to Councilmembers on Monday, August 8, 1977. In establishing procedure for this morning's order of business, she said she was willing to do whatever was the Council's pleasure, but pointed out that they had already had an extensive public hearing on the proposed ordinance. She said they should either open up discussion for all interested parties, or limit discussion to the Council itself. Several Councilmembers expressed their view on procedure to follow.

#### Motion

Mayor Pro Tem Snell moved that the Council be polled to get a reaction from the Council. The motion was seconded by Councilmember Mullen.

Mayor McClellan asked Mayor Pro Tem Snell if he was in essence saying that they should limit discussion to the Council. He replied that he had no discussion to make, but was ready to take a vote on the ordinance. Council-

member Cooke asked Mayor Pro Tem Snell if he was proposing that the Council move on the ordinance as presented by the Human Relations Commission.

Second to Motion Withdrawn

Councilmember Mullen withdrew his second to the motion.

Motion

Councilmember Mullen moved that the Council limit discussion to the Council and staff. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmember Mullen, Mayor McClellan, Mayor Pro Tem Snell,  
Councilmembers Cooke, Himmelblau  
Noes: Councilmember Goodman\*  
Abstain: Councilmember Trevino

\*Councilmember Goodman commented, "I think we ought to allow somebody from the Commission to speak if they want to."

Mayor McClellan returned to discussion of her version of the ordinance which had been circulated. She said she had asked the Legal Department to track the Federal law. However, she stated, she was not bound to the number of days in Section 9(c) and Section 10(d). She addressed Mr. Bill Stewart, Director of the Human Relations Department, saying she does not mean to put him, or his department, in any sort of a time restriction. Section 9(c) would state that "All complaints shall be filed within one hundred and eighty days (180) following the occurrence of an alleged discriminatory housing practice....." Section 10(d) reads, "Upon completion of the investigation and informal endeavors at conciliation by the Director, but within thirty (30) days of the filing of the complaint with the Director....." The Mayor asked Mr. Stewart if it would be helpful to extend the thirty day time limit to sixty days. Mr. Stewart replied sixty days would be more in keeping with the amount of time required for an investigation but since there had not been a time limit previously on investigations, he would prefer that the ordinance did not stipulate limitation of time. Mayor McClellan asked City Attorney Jerry Harris for his opinion.

Mr. Harris replied: "We can write it either way. Mr. Stewart is the one who is going to be able to give us the best, realistic time period. The recommendation ought to come from him. He is the man who is going to be in charge of the responsibility of being able to conduct these investigations, and these are open-ended. I think if he believes open-ended is appropriate, then I think he ought to be questioned about that." Councilmember Mullen said he would like Mr. Stewart to tell why he thinks it should be open-ended and why he could not accomplish the task in a certain amount of time. Mr. Stewart stated, "I would recommend no time limit in terms of completing the investigation simply because we have investigations that are conciliated in a time period from one day to a year, and there are many factors effecting the completion of an investigation. For instance, we could send out an interrogatory to a respondent, and he could delay as long as he wished. Of course, a time limitation would restrict the investigation to the extent we could possibly lose a case based on time."

Councilmember Goodman asked the purpose for including a time limit in the Mayor's Ordinance. Assistant City Attorney DeLaRosa stated "The time limit is contained in the Federal provisions, so when the Mayor asked us to follow the Federal guidelines, I inserted the 30-day limitation because that is a provision that is contained in the Federal law."

In reply to Mayor Pro Tem Snell's inquiry if the Mayor's proposal would cost the same for implementation as the original proposal, Mr. Stewart answered he thought it would be.

Councilmember Mullen asked Mr. Stewart if he was saying that he did not want the "hammer" of the City Attorney taking over a case if within a certain amount of days the efforts of the Director to secure voluntary compliance have been unsuccessful, as prescribed in Section 10(d). Councilmember Mullen continued, "You are saying you don't want that hammer. You want to just let it go open-ended for as long as it takes to discuss, at your discretion, and you will say when the hammer is going to fall. Is that correct?" Mr. Stewart said, "Yes."

Councilmember Cooke asked Mr. Stewart, "If we change that (30-day limitation) to 60 or 90, that means you are given a longer arbitration period which would be in the best interests of maybe both parties or the party being charged?" Mr. Stewart answered, "Right." Mayor McClellan repeated she was not "hung up at all. I would not even mind deleting that, and if you see it is taking an unreasonable amount of time, you are dragging your feet, you can always come in and amend, and put in something on limiting the number of days that are investigating."

#### Motion

Councilmember Trevino made a motion to accept an amendment to the Mayor's second draft of the Fair Housing Ordinance to stipulate 180 days in Section 9(c), and deleting the time limit in Section 10(d) so that the section will read: "Upon completion of the investigation and informal endeavors at conciliation by the Director, if the efforts of the Director to secure voluntary compliance have been unsuccessful, and if the Director has made a determination that a discriminatory housing practice has in fact occurred, the Director shall recommend to the City Attorney that such violation be prosecuted in the Municipal Court of the City of Austin. With such recommendation, the Director shall refer his entire file to the City Attorney. The City Attorney shall after such referral make a determination as to whether to proceed with prosecution of such complaint in Municipal Court." The motion was seconded by Councilmember Goodman.

Mayor McClellan made the following statement: "Let me just state for the record, our posture on this, from the time of, you know, it is real interesting but while we were all on the campaign trail, this ordinance had never come to Council. It was in the Human Relations Commission. Consistently, when I was asked about this ordinance, I..about fair housing, I consistently answered the same. Interestingly enough, some of the reprints of that, they print my correct answer, but the question has changed. I was never asked specifically about a sexual orientation provision. I was asked whether I would support a local fair housing ordinance, was asked what did I feel about discrimination in housing. Consistently, I spoke to, and I have my questionnaires, that I typed up and.....I still have them on file, saying that I

did not like discrimination in housing, was opposed to discrimination in housing, but number one, I also wanted to study the Federal law in this area and see if it was adequate, which, if it was adequate, did not want to be adding another bureaucratic layer to go through, if I felt like the Federal law was adequate. And also, I pointed out that I had never had a chance to study provision by provision the local fair housing ordinance that was in the Human Relations Commission at that time. It did not come to Council until after this Council was elected, but before we were sworn in, and I was in the Council Chamber on the occasion of the first vote on this ordinance. It was because of..basically, I started from really not knowing if it was necessary to having a local ordinance and what was the merit in having a local ordinance. Since that time, I have become convinced by persons, I guess Father Joe was one of those who were instrumental in convincing me, that there is merit in local enforcement even if it tracks the Federal guidelines. As a matter of fact, I called Father Joe in Boston last night to see if I misunderstood him. He certainly has some feeling that a local ordinance on the books is, and I am not going to speak for him, I will leave that..but anyway, I still...therefore, I became convinced that there was merit in a local ordinance even if that local ordinance first would track the Federal law. Clean up your own backyard, and not leave it to the Feds, and we have had testimony from people saying they feel more able to come to Bill Stewart than to go off to Dallas, San Antonio. So, that's why I somewhat changed my posture from not knowing if we ought to duplicate to going to the position of being for a local ordinance, and the one that I circulated to the Council had that intention. Obviously, it goes beyond the Federal law in two categories that I added to that. One was physically handicapped, and the other was status as a student."

Councilmember Trevino asked for equal time and stated: "First of all, Mayor, you said that you had a phone conversation with Father Joe Znotas, who, I think all of us know as the Chairperson of the Human Relations Commission. It is my understanding that Father Joe is also in support of the more comprehensive ordinance than which you proposed. And I think we need to point that out and not leave any kind of inference that Father Joe wanted to delete a certain category. I don't think that is true. And discussing the campaign trail, which we are all familiar with, my position has always been that I abhor any kind of discrimination. The City of Austin has no room for it, whether it is in employment, in housing, in anything, and as you pointed out that you were in the audience when we had the old Council, the previous Council had the first reading. With regards to the ordinance, you will recall there was very little anxiety expressed then. There was very little anxiety expressed through the mail, through telephone calls of visits. It wasn't until after we had the situation in Dade County, Florida, that all of a sudden we began to have these anxieties and fears expressed. I still remain convinced that we have an obligation to provide protection to all of our citizens. What we are talking here, ladies and gentlemen, is human rights. We are not talking about imposing lifestyles on each other, but about rights that belong to all of us, male, female, gay, straight, and I think it is a sad day when we are not able to get a Council majority to go on record to say that they believe in basic human rights."

Mayor McClellan answered that she did not want to go back and forth on the issue, but wanted to discuss one point. "After I have had some discussion with some very fine people who have very valid points to make, who see this, if

you don't go with the ordinance en toto as drafted by the Human Relations Commission, as drawing it as economic or property rights, versus human rights. I happen to see it from a different perspective. I can see it from a perspective where there are also human rights of association, and I think that if you have the right of association when you get into behavioral or lifestyle type things,...I think that if you had a no-housing for senior citizens, maybe they shouldn't be allowed to have senior citizen condominiums, or places for singles or married students housing. If there was not place where they could live.. but I do think there are certain rights of association. I also think that you have to look carefully when the government starts legislating. Certainly, I have said it before, I will say it again...I think that the Constitution prohibits unreasonable discrimination. I think that unreasonable discrimination certainly must be prohibited, but I do think that all discrimination is not prohibited by the Constitution, and I think you also get into an area of association."

After more discussion on the motion on the floor, the Mayor commented that the Federal law has a 30-day limit on their investigation, so when we are having a case that is referred by Federal government to us, we still would have to be following their 30 days, or else they would take the case back.

#### Roll Call on Motion

Roll call on Councilmember Trevino's motion, Councilmember Goodman's second to amend the Mayor's second draft of the Fair Housing Ordinance in Section 9(c) and Section 10(d), showed the following vote:

Ayes: Councilmember Trevino, Mayor McClellan† Mayor Pro Tem  
Snell, Councilmembers Cooke, Goodman, Himmelblau  
Noes: Councilmember Mullen

\*Mayor McClellan stated for clarification that all that was done on the above motion was to accept an amendment to her draft. She said there was no motion on the floor at that time to accept her draft.

#### Motion

Mayor McClellan brought up the following (Mayor McClellan's version of the Fair Housing Ordinance, as amended) for its second reading:

AN ORDINANCE DECLARING THE POLICY OF THE CITY TO BE IN FURTHERANCE OF THE RIGHT OF EACH INDIVIDUAL TO PROVIDE A DWELLING FOR SUCH PERSON AND/OR SUCH PERSON'S FAMILY, INCLUDING THE FINANCING THEREOF WITHOUT REGARD TO RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN, ~~PHYSICAL HANDICAP, OR STATUS AS A STUDENT;~~ ~~DEFINING TERMS;~~ ADOPTING REGULATIONS CONCERNING FINANCING OR DWELLING; PROVIDING REGULATIONS CONCERNING BROKERAGE SERVICES; PROVIDING CERTAIN EXEMPTIONS AND EXCLUSIONS; ESTABLISHING A PROCEDURE FOR THE HANDLING OF COMPLAINTS; PROVIDING FOR REFERRAL OF CASES TO THE CITY ATTORNEY; OUTLINING THE DUTIES OF THE DIRECTOR AND THE COMMISSION; PROVIDING PENALTIES; PROVIDING FOR SEVERABILITY; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was read the second time, and Councilmember Himmelblau moved that the ordinance be passed to its third reading. The motion was seconded by Mayor McClellan.

Substitute Motion

Councilmember Trevino made a substitute motion, seconded by Mayor Pro Tem Snell, to accept the recommendation of the Human Relations Commission.

Motion to Call Question

Councilmember Trevino made a motion to call a question on the substitute motion. The motion was seconded by Mayor Pro Tem Snell.

Councilmember Cooke said, "We are voting on the question? We are voting on calling the question on the substitute motion, right?" Councilmember Goodman said, "We are on the substitute motion." Councilmember Himmelblau stated, "We are voting on the substitute motion now." Councilmember Mullen commented, "That doesn't make any difference, if you are going to go by Robert's Rules of Order, you cannot call a question without taking a vote, and having 2/3 decide whether we want to discuss your motion or not." Mayor McClellan stated, "You are absolutely correct. He moved the question so we are voting on whether or not to cut off no discussion of the substitute motion."

Roll Call on Motion to Call Question

Ayes: Mayor Pro Tem Snell, Councilmembers Goodman, Trevino

Noes: Councilmembers Cooke, Himmelblau, Mullen, Mayor McClellan

The Mayor stated they would discuss the substitute motion, as roll call on motion to call question had failed. Mayor Pro Tem Snell expressed the opinion that if the City is going to spend \$15 to \$30 thousand dollars to implement an ordinance, then it should be the one submitted by the Human Relations Commission. There is no need, he said, for spending money for something we probably already have on the books as a Federal ordinance.

Discussion ensued concerning a fiscal note for the Mayor's proposed ordinance and Mr. Davidson, City Manager, said, "We are talking about the same fiscal note applying to the newest recommendation."

Mayor McClellan then referred back to Councilmember Trevino's statement about her comment on Father Joe Znotas. "I didn't in any way mean to imply," she said, "that Father Joe was not supportive of the total ordinance. What he has told me before and the point I was making is that I have become convinced that for racial and other important reasons, he felt very strongly that a local ordinance is important." She continued that when she talked on the phone with Father Joe Znotas she told him she was not going with the total ordinance, that she had deleted sexual orientation and some other things. She enumerated to him what was in the ordinance. I asked him, she said, if he still felt it was better to have a local ordinance. Her understanding of his position is that it is better to have a local ordinance, even if that local ordinance tracked the Federal law, rather than no local ordinance at all.

Mayor Pro Tem Snell said he did not think Austin needed a watered down version of the ordinance. Councilmember Mullen questioned whether there is any discrimination in Austin. "We did not really hear specific testimony of people who were discriminated against in Austin. Maybe you are right, we don't need anything." Mayor McClellan said that what she had come to believe in the past 48 hours that perhaps what is in discussion is some sort of symbolic thing hinging particularly on the sexual orientation provision and that once sexual orientation was out of the ordinance, "all the rest of it could be checked and nobody would care."

Councilmember Trevino and Mullen discussed the compromises that the Human Relations Commission had made in their version of the ordinance.

#### Friendly Amendment to Substitute Motion Accepted

Councilmember Goodman offered a friendly amendment for the adoption of Mayor McClellan's phrasing of the status of a student and redefine occupation accordingly.

#### Roll Call on Substitute Motion and Friendly Amendment

Roll call on Councilmember Trevino's substitute motion with second by Mayor Pro Tem Snell to accept the recommendation of the Human Relations Commission and adoption of Mayor McClellan's phrasing of the status of a student and redefine occupation accordingly, showed the following vote:

Ayes: Councilmembers Goodman, Trevino, Mayor Pro Tem Snell  
Noes: Councilmembers Cooke, Himmelblau, Mullen, Mayor McClellan

The Mayor announced that the substitute motion had failed.

Mayor McClellan told the Council they would now go back to the original motion, which is Councilmember Himmelblau's motion to accept the Mayor's draft of the ordinance as amended.

#### Substitute Motion

Councilmember Goodman made a motion: "That the definition of physically handicapped be changed to the definitions included in the ordinance submitted by the Human Relations Commission." Councilmember Trevino seconded the motion.

Discussion of the meaning of physically handicapped ensued. Mayor McClellan referred to a memorandum written to her by Mr. DeLaRosa, which said, "definition of physically handicapped - the new definition eliminates any reference to disease or impairment in motor skills, which it was argued extended protection to alcoholics and drug addicts." Councilmember Goodman asked if the newer definition of physically handicapped comes from the Federal ordinance. Mr. DeLaRosa said the Federal ordinance does not include physically handicapped in their Federal law. Councilmember Goodman asked where the limited definition came from. Mr. DeLaRosa stated he had checked several Federal laws on the subject which did provide a definition of physically handicapped, and that "this one came from an educational law that discussed handicapped, USEA 20; Section 1401." It is a Federal act involving instructional media for the handicapped. Mayor McClellan said that physically handicapped in her draft

Substitute Motion - Failed

Mayor Pro Tem Snell made a motion to delete the three-unit exemption from the ordinance. The motion, seconded by Councilmember Trevino, failed to carry by the following vote:

Ayes: Councilmember Trevino, Mayor Pro Tem Snell, Councilmember Goodman  
Noes: Mayor McClellan, Councilmembers Cooke, Himmelblau, Mullen

Substitute Motion - Failed

Councilmember Trevino made a substitute motion to add sexual orientation to McClellan's second draft of the ordinance as amended twice. The motion, seconded by Mayor Pro Tem Snell, failed to carry by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Goodman, Trevino  
Noes: Mayor McClellan, Councilmembers Cooke, Himmelblau, Mullen

Substitute Motion - Failed

Councilmember Goodman made a substitute motion that the right to appeal to the Human Relations Commission be included in McClellan's second draft of the ordinance as amended twice, rather than appeal made to the Administrator. The motion, seconded by Councilmember Trevino, failed to carry by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Goodman, Trevino  
Noes: Councilmembers Cooke, Himmelblau, Mullen, Mayor McClellan

Roll Call on Original Motion - Amended Twice - Passed

Roll call on Original Motion, amended twice (Motion made by Councilmember Himmelblau, seconded by Mayor McClellan, to pass on second reading the McClellan version of the Fair Housing Ordinance, second draft, as amended twice: (1) Section 9(c) and Section 10(d), and (2) definition of physically handicapped) carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Himmelblau, Mullen  
Noes: Mayor Pro Tem Snell, Councilmembers Goodman, Trevino

The Mayor announced that the ordinance had been passed through its second reading only.

Councilmember Cooke stated: "I would like to say this has been one of the most difficult issues that I have had to resolve as a Councilmember, that I have struggled with this very much, and I have met and talked with people on all sides. I have tried to do a lot of soul searching and I have tried to be open. The questions of human rights, civil rights, and property rights, and where they conflict and where one supercedes another has been really on my mind for several weeks. There is another consideration too, and I think that I need to point that out and that is a threat of a referendum on this ordinance, should it exceed the social mores of 1977 in Austin, Texas, and I think that is real. My personal reading of a popular vote is that there is a good chance

is defined as referring to deaf, hard of hearing, speech impaired, visually handicapped, or orthopedically impaired. Councilmember Goodman contended that there are other handicaps, such as congenital conditions, which may not be covered in these. The Mayor and Councilmember Mullen said they agreed with him. Councilmember Himmelblau said she did not agree with the Commission's definition because of the alcoholic it protects. However, she said she had no objection to the rest of it.

Mayor McClellan said she was perfectly willing to define physically handicapped in a way that encompasses all that is being discussed. She said perhaps there was a way they could get both concerns..the point Councilmember Himmelblau made about not covering alcoholics plus the point about handicaps caused by congenital conditions.

Substitute Motion to Substitute Motion

Councilmember Goodman made a substitute motion to the substitute motion to define physically handicapped as any person who because of accident, congenital condition or other condition of health experiences any impairment in sight, touch, hearing, taste, smell, motor skills, or appearance.

After further discussion concerning legal definitions, the following motion was made:

Substitute Motion to Amend the Amendment - Passed

Councilmember Himmelblau made a substitute motion to amend the amendment with the definition of physically handicapped as contained in the Human Relations Commission's ordinance with the deletion of alcoholic and drug addict. (Definition, Human Relations Ordinance: "Physically handicapped" means any person, who, because of accident, illness, congenital conditions or other condition of health, experiences any impairment in sight, touch, hearing, taste, smell, motor skills or appearance.) The substitute motion was seconded by Mayor McClellan, and carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Mayor McClellan,  
Councilmember Cooke  
Noes: Councilmember Trevino, Mayor Pro Tem Snell,  
Councilmember Goodman

Mayor McClellan informed the Council that they were now back to her ordinance, which had been amended twice. The first related to time and the second was the different definition of handicapped.

Substitute Motion

Councilmember Goodman made a substitute motion that marital status be included in the McClellan second draft of the ordinance as amended twice. The motion, seconded by Councilmember Trevino, failed to carry by the following vote:

Ayes: Councilmembers Trevino, Mayor Pro Tem Snell, Councilmember  
Goodman  
Noes: Councilmember Mullen, Mayor McClellan, Councilmembers  
Cooke, Himmelblau

that this ordinance as well as gay rights, to be specific, in employment and public accommodations would be defeated if it were up to a popular vote. The possibility of a referendum coupled with the fact that the housing problem for gays, as I have tried to study it for the last several weeks, I did not feel was acute, makes my vote one of recognizing the popular vote, and I vote yes on this."

#### HEARING SET

Councilmember Goodman moved that the Council adopt a resolution to set a public hearing for September 8, 1977, at 10:30 a.m. on annexing the following:

43.82 acres of land out of and a part of the T. J. Chambers 8 League Grant (A small unplatted tract, Northwest Hills, Sections 1, 2, and 3). (Requested by City of Austin - Case No. C7a-77-005)

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Trevino, Mayor McClellan, Mayor Pro Tem Snell  
Noes: None

#### HEARING SET

Councilmember Goodman moved that the Council set a public hearing for September 15, 1977, at 7:30 p.m., on the use of approximately 41,776 square feet of Festival Beach Park for street purposes, and on the vacation of approximately 324,400 square feet of street right-of-way for Festival Beach Park. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino, Mayor McClellan, Mayor Pro Tem Snell, Councilmember Cooke  
Noes: None

#### RELEASE OF EASEMENTS

Councilmember Mullen moved that the Council adopt a resolution authorizing release of the following Easement:

The Public Utilities Easements ten (10.00) feet in width centered on the common lot line between Lots 579 and 580, Apache Shores, Section 2, a subdivision in Travis County, Texas. (Requested by Mr. Jason D. and Lucy Pavlovic, owners of Lots 579 and 580)

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Trevino, Mayor McClellan, Mayor Pro Tem Snell, Councilmembers Cooke, Goodman  
Noes: None

Councilmember Mullen moved that the Council adopt a resolution authorizing release of the following Easement:

The Public Utilities Easement that covers the north ten (10.00) feet of the West 374.51 feet of Lot 8, Lamar Plaza Section One. (Requested by Mr. Ralph W. Harris, Registered Public Surveyor, representing Mr. Glenn Neans, owner of Lot 8)

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Trevino, Mayor McClellan  
Mayor Pro Tem Snell, Councilmembers Cooke, Goodman  
Noes: None

#### RELEASE OF EASEMENT - PULLED FOR TWO WEEKS

The Council had before it for consideration the authorization to release the following Easement:

A seven and one-half (7.50) foot Public Utilities Easement and a portion of the Sanitary Sewer Easement in Lot 4-B, Airport-King Subdivision, Section Four. (Requested by Mr. James M. Grant, Registered Public Surveyor, representing Edmund J. Fleming, Jr., owner)

Councilmember Himmelblau said she had a question concerning this development on Martin Luther King Boulevard and Airport Boulevard, which the Council had so much trouble with. She said the site plan had been approved and then it wasn't followed. She said it resulted in a lot of development which the neighborhood was not happy with. Her question was whether granting of this easement would give them more permissive use of the property.

City Manager Davidson answered her by saying he could not speak to that and wanted her to know that staff recommendation was not based on what can be done with the property. This request, he said, follows existing policy whereby the City will give up easements that are no longer necessary in return for easements that would be required in the future. It is on that basis, he informed her, that there is no need for the easement, and staff recommends this action. Mr. Davidson told Councilmember Himmelblau that if she required further study on the question she asked, he would be most happy to pursue it. Councilmember Himmelblau said the background information indicated that by releasing the easement they would have better use of the property and she said she was not sure she approved of the property use out there whatsoever.

#### Motion

Councilmember Mullen moved that the Council approve the release of the Easement. The motion was seconded by Councilmember Goodman.

Mayor Pro Tem Snell indicated he thought they should wait until some information is brought back before they consider this question. He expressed his concern also. Mr. Davidson repeated that he would be happy to pull this item from the agenda. He said he would talk to each Councilmember individually to find out exactly what information they would like to have. He said he

was sure that if the applicant did not think it would make better use of the property, he wouldn't have requested it. Mr. Davidson told the Council he would get them a status report on what is proposed for the property, a time table, and whether or not it complies with any conditions that have been set with the property with any previous City Council action.

Mr. Davidson requested that the item under discussion be pulled from the agenda for two weeks.

#### Motion Withdrawn

Councilmember Mullen withdrew his motion, Councilmember Goodman withdrew his second.

#### RECESS

The Council meeting recessed from 1:20 p.m. until 2:55 p.m.

#### CUBAN BAND TO PLAY IN AUSTIN

Councilmember Trevino read a resolution whereby Austin is honored to welcome the first Cuban Band to tour the United States in fifteen years. A concert featuring Los Papines will be held on the evening of the 12th day of August, 1977, at the Chapparral Club. The resolution asked that all people of Austin be encouraged to attend the concert and to further the friendship between our peoples. The resolution was signed by all members of the Council.

#### EMERGENCY ITEM

Mayor McClellan announced an Emergency Item is being posted to add to the afternoon's agenda. She stated "We were notified very recently of a \$594,000 economic development grant authorization for submission of the application to the Economic Development Administration. Setting priorities on the proposed projects will be the item we are adding to today's agenda. That has to be into the Regional Office by next Wednesday. The Council will not be meeting before then, so we are adding this as an Emergency Item. It will be two hours before we take it up, in keeping with the emergency posting, as required by State law."

#### VENDING ORDINANCE

#### Motion

Councilmember Cooke moved that the Council continue the 23rd Street Renaissance Market as is, and direct City staff to bring back proposals by spring of 1978 in order to look at cost of services provided to the Market in relation to their vending license for consideration to this Council in order that they assume the cost of what it costs the City of Austin to provide the services for the Market, so that can be considered before any new license would be administered beginning in the summer of 1978. Councilmember Goodman seconded the motion.

Friendly Amendment

Mayor McClellan offered a friendly amendment to ask the Vending Commission to look again at the criteria they are using for judging what is a craft. (She said she knew it was difficult, but would like to see it less restrictive to craftspeople themselves, e.g. bead stringers, jewelry makers.)

Councilmember Cooke asked how definitive the Council could be on that. Mayor McClellan said several members of the Vending Commission had expressed their willingness to look at the criteria again and she wanted them to do it rather than the Council doing it by amending the Ordinance.

Councilmember Goodman expressed his opinion that this could probably be best handled informally. He said he planned to talk with two of the members of the Commission he knows. He feels they have been too strict and if the practice continues there will be very few people practicing any kind of crafts at the Market. Mayor McClellan said this was her reasoning behind her Friendly Amendment. Councilmember Trevino said this could be avoided by opening up the Market completely. Councilmember Goodman said he felt there is a good reason to limit the Market to people practicing their craft and did not agree. Neither did Mayor McClellan, but she feels the regulations have become too tight. She expressed the idea that if the Vending Commission cannot do anything about the situation, then the Council can step in and do something.

Councilmember Himmelblau noted that in the background material that there is a minimum fee of \$60.00 per year, prorated by the month. She asked if someone could purchase a partial license for the heavy months of November and December. Mr. Pieter Sybesma, Administrative Aide, said that is correct. If they pay the fee it will be effective from November through the end of June. Councilmember Himmelblau asked if it is possible for someone to buy just one month of space. Mr. Sybesma answered, "No."

Councilmember Goodman asked if the information they would get back under Councilmember Cooke's motion, was for the Council's consideration and they may not want to charge them to the penny what it is costing the City. Councilmember Cooke replied that is correct. He wants the Council to look at the figures and be aware of the cost on an annual basis.

Friendly Amendment Accepted

Councilmember Cooke accepted Mayor McClellan's Friendly Amendment.

Roll Call on Motion

Ayes: Councilmembers Goodman, Himmelblau, Mullen\*; Mayor McClellan, Councilmember Cooke\*

Noes: Councilmember Trevino, Mayor Pro Tem Snell

\*Councilmember Mullen commented that he would like the vendors to present ideas to make the Market more of a tourist attraction, such as rest room facilities, etc. Councilmember Cooke pointed out that the viability of the 23rd Street Market depends upon the people who are out there now, and he hopes some of the commentary presented during the public hearing that the Market will die a natural death, does not happen.

F.5. Ord. No 770811-B

Change in Council meeting time  
for August 18 meeting

## CLARKSVILLE PHASE I - PAVING

Mayor McClellan introduced the following ordinance:

AN ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING THE PAVING AND IMPROVEMENT OF PORTIONS OF CERTAIN STREETS IN THE CITY OF AUSTIN, APPROVING PLANS AND SPECIFICATIONS FOR SUCH WORK, AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS, DIRECTING THE PREPARATION OF ESTIMATES, INVOKING THE ALTERNATE PROCEDURE PROVIDED BY ARTICLE I, SECTION 5 OF THE CHARTER OF THE CITY OF AUSTIN AND CHAPTER 106 OF THE ACTS OF THE FIRST CALLED SESSION OF THE 40TH LEGISLATURE OF TEXAS, DETERMINING THAT THE COST OF SUCH IMPROVEMENTS SHALL BE PAID BY THE CITY OF AUSTIN, PROVIDING A METHOD OF REIMBURSING THE CITY OF AUSTIN FOR A PORTION OF SUCH COSTS BY ASSESSMENT OF A PORTION OF SUCH COSTS AGAINST THE PROPERTY ABUTTING SUCH STREETS OR PORTIONS THEREOF TO BE IMPROVED, AND FOR THE FIXING OF A LIEN TO SECURE PAYMENT OF SUCH ASSESSMENTS, STATING THE TIME AND MANNER PROPOSED FOR PAYMENT OF ALL SUCH COSTS, DIRECTING THE CITY CLERK TO CAUSE A NOTICE OF THE ENACTMENT OF THIS ORDINANCE TO BE FILED IN THE MORTGAGE OR DEED OF TRUST RECORDS OF TRAVIS COUNTY, TEXAS, AND DECLARING AN EMERGENCY. (W. 12th)

Mayor Pro Tem Snell moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Trevino, Mayor McClellan,  
Mayor Pro Tem Snell, Councilmembers Cooke, Goodman  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Councilmember Himmelblau asked, before the vote was taken, if this would reflect in the CIP that the Council had just received. Mr. John German, Director of Public Works, told the Council that this was HCD funding, that had already been allocated.

## CIP FUNDS 1977-78

The Council had before it for consideration an ordinance approving the 1977-82 Capital Improvements Program and appropriating funds for fiscal year 1977-78. Mayor McClellan suggested they postpone taking action until after August 25, 1977, to consider presentations made to them. She said she had talked to the City Manager concerning a joint work session of the City Council and the Planning Commission, with staff, to have a presentation on the Master Plan prior to the adoption of the Capital Improvements Program. The Council, the Mayor said, also felt they should have one more work session among themselves.

## AUGUST 18 COUNCIL MEETING CHANGE IN TIME

Mayor McClellan introduced the following ordinance:

770511-2

Mayor Pro Tem Snell moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance to reschedule the Council Meeting set for August 18, 1977, from 7:00 p.m. to 10:00 a.m. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Mullen, Trevino, Mayor McClellan, Mayor Pro Tem Snell, Councilmembers Cooke, Goodman, Himmelblau

Noes: None

The Mayor announced that the ordinance had been finally passed.

The reason for the change is that four of the Councilmembers will be out of the City during the afternoon and evening.

#### AMENDMENT TO STREET NAME CHANGE ORDINANCE

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING PART 1(a) OF ORDINANCE NO. 770421-A CHANGING NAME OF A STREET KNOWN AS WEST DUVAL ROAD, BETWEEN RESEARCH BOULEVARD AND ANGUS ROAD, TO DUVAL ROAD; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (To change name to Duval Road and not Charolais Drive)

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Mayor Pro Tem Snell, Councilmembers Cooke, Goodman, Himmelblau, Mullen

Noes: None

The Mayor announced that the ordinance had been finally passed.

#### ZONING ORDINANCES

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:  
A 1.9508 ACRE TRACT OF LAND, LOCALLY KNOWN AS 600-604 DAVIS STREET, AND ALSO BOUNDED BY RED RIVER STREET, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (State National Bank of El Paso, Trustee & Independent Executor, C14-77-053)

Councilmember Mullen moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen, Trevino  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

- (1) A 1.28 ACRE TRACT OF LAND, LOCALLY KNOWN AS 3301-3309 NORTHLAND DRIVE AND 5400-5618 MO PAC BOULEVARD, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "LR" LOCAL RETAIL, SECOND HEIGHT AND AREA DISTRICT; AND,
- (2) LOTS 1 AND 2, LANFORD SUBDIVISION, LOCALLY KNOWN AS 1530-1544 EAST ANDERSON LANE AND 7801-7813 OLD CAMERON ROAD, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; AND,
- (3) LOTS 11 AND 12, OUTLOT 50, DIVISION "B," AIRPORT AND MANOR ROAD SUBDIVISION NO. 3, LOCALLY KNOWN AS 2200 THEO DRIVE, FROM "GR" GENERAL RETAIL DISTRICT TO "C" COMMERCIAL DISTRICT; AND,
- (4) THE CENTER FIFTY-FIVE FEET OF LOT 24, BEAU SITE SUBDIVISION, OUTLOTS 6 AND 9 DIVISION "C," LOCALLY KNOWN AS 812 EAST 32ND STREET, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; AND,
- (5) APPROXIMATELY 240 ACRES OF LAND GENERALLY BOUNDED BY MANCHACA ROAD, WILLIAM CANNON DRIVE, CHERRY CREEK SUBDIVISION AND WHISPERING OAKS SUBDIVISION, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; AND,
- (6) TRACT 1: THE WESTERNMOST TWENTY FEET OF LOTS 5, 6, 7 AND 8, BLOCK "D," AND LOTS 3 AND 4, BLOCK "G," NORTHMEDE, SECTION ONE, AND LOTS 13, 14 AND 15, MOCKINGBIRD HILL SUBDIVISION, SECTION TWO, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; AND,  
TRACT 2: LOTS 5, 6, 7 AND 8, BLOCK "D," AND LOTS 3 AND 4, BLOCK "G," NORTHMEDE SUBDIVISION, SECTION ONE, AND LOTS 13, 14 AND 15, MOCKINGBIRD HILL SUBDIVISION, SECTION TWO, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "LR" LOCAL RETAIL, FIRST HEIGHT AND AREA DISTRICT;  
ALL OF SAID PROPERTY BEING LOCALLY KNOWN AS 10602-10702 MIDDLE FISKVILLE ROAD, 604-606 EAST GRADY LANE AND 605-607 EAST GRADY LANE; AND
- (7) A 0.59 ACRE TRACT OF LAND, LOCALLY KNOWN AS 1610 VIRGINIA AVENUE (OLD I.V. DAVIS HOMESTEAD), FROM "A" RESIDENCE DISTRICT TO "A-H" RESIDENCE-HISTORIC DISTRICT; AND,
- (8) LOT 3 AND THE SOUTH ONE-HALF OF LOT 4, BLOCK 83, ORIGINAL CITY OF AUSTIN, LOCALLY KNOWN AS 710-712 CONGRESS AVENUE (WALTER TIPS BUILDING), FROM "C-2" COMMERCIAL DISTRICT TO "C-2-H" COMMERCIAL-HISTORIC DISTRICT; AND,

(9) LOT 2, BLOCK I, SUBDIVISION OF OUTLOT 45, DIVISION "D," ORIGINAL CITY OF AUSTIN, LOCALLY KNOWN AS 2402 SAN GABRIEL STREET (FRANZETTI STORE BUILDING OF WHEATVILLE), FROM "C" COMMERCIAL DISTRICT TO "C-H" COMMERCIAL-HISTORIC DISTRICT; ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Balcones Associates, C14-77-064; William S. Winn and Joseph Zern, C14-77-065; Austin National Bank, Executor and Trustee, C14-77-068; Irwin R. Salmanson, Robert O. Smith and Roy W. Mouer, C14-77-069; City of Austin, C14-77-073; Bullard Company, C14-77-022; I. V. Davis Homestead, C14h-77-010; Walter Tips Building, C14h-77-012; Franzetti Store Building of Wheatville, C14h-77-015)

Councilmember Mullen moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen

Noes: None

Abstain: Councilmember Trevino

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

TRACT 1: A 2.678 ACRE TRACT OF LAND, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "LR" LOCAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; AND,

TRACT 2: A 4.275 ACRE TRACT OF LAND, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "BB" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; ALL OF SAID PROPERTY BEING LOCALLY KNOWN AS 9484 JOLLYVILLE ROAD, AND ALSO BEING BOUNDED BY LOOP 360 AND U. S. HIGHWAY 183, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (C. L. Reeves, C14-77-072)

Councilmember Mullen moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Goodman, Mullen

Noes: None

Abstain: Councilmembers Himmelblau, Trevino

The Mayor announced that the ordinance had been finally passed.

## AREA AGENCY ON AGING

Councilmember Trevino moved that the Council adopt a resolution to authorize entering into a contractual agreement with the Area Agency on Aging - Capital Area Planning Council for the second year grant of \$13,959 for the Outreach Coordination Program. (Grant period: August 1, 1977 to July 31, 1978 - City's share \$2,792) The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Cooke, Goodman, Himmelblau, Mullen, Trevino, Mayor McClellan

Noes: None

Councilmember Cooke asked if by approving this, if we receive the grant, we are in essence approving monies that will be coming out of the general operating budget 1977-78 that we haven't considered. "We continue to consider things where money is here and money is there committed out of next year's budget before it has been analyzed. Every time I have asked about this before I have been told, No, but, I am asking it again," he said. Mr. Robinson, Director of Parks and Recreation, replied, "Unless you substantially reduce the present senior program, this will not have any effect. We are using existing staff members as matching funds. I do not see that this will in any way have an effect on next year's approval of the operating budget." Mr. Davidson, City Manager, agreed. Mr. Robinson added that any time the Council decided to get out of the program, they could.

## BRACKENRIDGE PARKING STRUCTURE

Councilmember Goodman moved that the Council adopt a resolution to approve Change Order #7 in the amount of \$5,534.00 to Robert C. Gray Construction Company. CAPITAL IMPROVEMENTS PROGRAM, BRACKENRIDGE PARKING STRUCTURE. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Trevino, Mayor McClellan, Mayor Pro Tem Snell

Noes: None

## ARCHITECTURAL SERVICES SELECTED

Motion

Councilmember Goodman moved that the Council select the architectural services of IAP for the Fire Prevention and Training Academy. The motion was seconded by Mayor Pro Tem Snell.

Councilmember Himmelblau asked what the legal ruling was concerning the architectural firm of O'Connell, Probst and Zeisman, Inc., being granted City contracts. Mr. Jerry Harris, City Attorney, cited the fact that the wife of one of the members of the firm, Mr. Grobe, works for the City, therefore he would receive remuneration in a round-about way, making the firm ineligible for contract awards. Mr. Davidson, City Manager, said he had a letter which is being transmitted to members of the Council from Mr. Grobe withdrawing himself from any consideration for contracts as a result of this interpretation.

Councilmember Cooke asked Mr. Al Eldridge, Director of Construction Management, to tell the Council how a firm is recommended. Mr. Eldridge told the Council that the selection committee met in January and at that time made one other recommendation which was withdrawn because of the conflict of interest interpretation. He said Mr. Lackey has done an outstanding job for the Fire Department on one of their projects completed three years ago. In view of his excellent work on that job, it was the consensus of the committee that Mr. Lackey should be the principle recommendation this time. As a matter of distribution of work, they also recommended Holt & Fatter. They have not had work with them before, but have had excellent recommendations. Also in consideration of the minority situation in Austin and realizing there are only two minority firms, one being Black and one being Mexican-American, they also recommended IAP which is essentially a Black firm. Mr. Eldridge pointed out that IAP is also possibly to be considered in connection with another project and it may be even more attractive to them. From that standpoint, the Council would not be doing any injustice if they choose to act on another one that will be coming to their attention soon...the Carver Library. In all fairness to the project, the communications on that project will probably be more easily made by that firm than anyone else. Mr. Eldridge concluded that communications are very important in planning one of these projects. However, he said that whatever is the Council's pleasure, they will work with it.

Motion Withdrawn

Councilmember Goodman withdrew his motion.

Motion

Councilmember Trevino moved that the Council adopt a resolution to select the architectural services of Mr. Jack Lackey for the Fire Prevention and Training Academy. CAPITAL IMPROVEMENTS PROGRAM, FIRE PREVENTION AND TRAINING ACADEMY. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Trevino, Mayor McClellan,  
Mayor Pro Tem Snell, Councilmembers Cooke, Goodman  
Noes: None

CONTRACTS APPROVED

Councilmember Cooke moved that the Council adopt a resolution approving the following contract:

FOX SERVICE COMPANY  
6201 South Congress  
Austin, Texas

- Chilled Water Systems, Electric  
Department.  
Item 1; 1 ea. @ \$20,962.00  
Item 2; 1 ea. @ \$17,068.00  
Total - \$38,030.00

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Mullen, Trevino, Mayor McClellan, Mayor  
Pro Tem Snell, Councilmembers Cooke, Goodman, Himmelblau  
Noes: None

Councilmember Himmelblau moved that the Council adopt a resolution approving the following contract:

STIEFER PAINTING AND  
CONTRACTING, INC.  
P. O. Box 9924  
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM, AUSTIN  
TRANSIT SYSTEM, Addition to Office  
Building - \$11,783.00

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Mayor Pro Tem Snell,  
Councilmembers Cooke, Goodman, Himmelblau  
Noes: Councilmember Mullen

Mr. Joe Ternus, Director of the Urban Transportation Department, told the Council that this item was designed to expand the dispatchers office. Councilmember Mullen felt that the building cost of \$107.00 per square foot was too high. Mr. Al Eldridge, Director of Construction Management, told the Council that the \$11,783 cost was below what they had estimated the cost would be and that the expansion project was the only alternative that they had.

Councilmember Himmelblau moved that the Council adopt a resolution approving the following contracts:

Bid Award:

- Paper Products, Central Stores.  
Six month supply agreement including  
option for additional three months.

NATIONWIDE PAPERS  
519 North Medina Street  
San Antonio, Texas

- Items 2, 3, 4, 6, 14, 15, 21, 22,  
24, 35, 37, 39, 40, 41, 42 -  
\$9,439.80.

AUSTIN PAPER COMPANY  
1501 West 5th Street  
Austin, Texas

- Items 8, 9, 10, 17, 18, 23, 27, 31,  
32, 33 - \$6,951.80.

BANCROFT PAPER COMPANY  
2201 East 6th Street  
Austin, Texas

- Items 1, 5, 7, 12, 26, 28, 29, 30,  
34, 36 - \$5,517.74.

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen, Trevino  
Noes: None

Councilmember Himmelblau moved that the Council adopt a resolution approving the following contract:

THOMPSON-HAYWARD CHEMICAL COMPANY  
222 Seguin Street  
San Antonio, Texas

- Powdered Activated Carbon, Water and Wastewater Department.  
Twelve months supply agreement including extension for up to twelve additional months.  
Item 1; 20 tons @ \$478.00/ton  
Item 2; 110 tons @ \$538.40/ton  
Estimated total - \$68,784.00

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen, Trevino  
Noes: None

Councilmember Trevino moved that the Council adopt a resolution approving the following contract:

MOTOROLA, INC.  
3320 Belt Line Road  
Dallas, Texas

- Emergency Medical Communications and Telemetry System, Vehicle & Equipment Services Department.  
Item 1 - Change from \$104,091.00 to \$119,723.00.

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Cooke, Goodman,  
Himmelblau, Mullen, Trevino, Mayor McClellan  
Noes: None

Councilmember Cooke pointed out that with the proposed change, the bid made by Motorola, Inc., would become the second lowest bid. Mr. Solon Bennett, Director of Purchasing, stated the amount increased because additional components had been ordered. Councilmember Cooke was concerned that other firms did not have a chance to bid on the item. Mr. Bennett indicated that the City retained the option to alter bids and that suppliers werenotified of this fact in bid invitations. He slated that no exceptions were made for the Motorola Company. Councilmember Mullen asked why the additional equipment was not included in the initial bid. Mr. Bennett pointed out the initial bid was for ambulances only and that the electronics equipment had to be purchased separately. He also pointed out that the Council had recently authorized purchase of additional ambulances.

#### CONSIDERATION OF CONTRACT WITHDRAWN

The contract with the following was withdrawn:

MOORE BUSINESS FORMS  
833 West 12th Street  
Austin, Texas

- Utility Meter Read Documents, Data Systems Department  
Item 1; \$8,250.00

## CETA TITLE VI PROJECTS

Mayor Pro Tem Snell moved that the Council adopt a resolution authorizing negotiation of contracts with eleven (11) non-profit agencies to operate Comprehensive Employment and Training Act Title VI Projects. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen,  
Trevino, Mayor McClellan, Mayor Pro Tem Snell  
Noes: None

Councilmember Himmelblau asked if the Title VI funds could be used to fund positions for City programs that were being closed out. Mr. Andy Ramirez, Director of the Human Resources Department, stated that all but three departmental funding requests had been granted. He stated that if the Title VI money is not obligated, it would go back to the Department of Labor. Mr. Ramirez indicated that projects were evaluated based on how well they could make use of the manpower pool that is available for Title VI. He told the Council that they would be outlining to the Council the agencies that did receive Title VI money.

## COMMUNITY FOOD AND NUTRITION PROGRAM GRANT

Councilmember Goodman moved that the Council adopt a resolution authorizing application for a federal Community Food and Nutrition Program Grant from the Community Services Administration for \$62,045, Grant period being from October 1, 1977 through September 30, 1978. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino, Mayor  
McClellan, Mayor Pro Tem Snell, Councilmember Cooke  
Noes: None

## CETA TITLE I FISCAL YEAR 1978 ANNUAL PLAN

Councilmember Trevino moved that the Council adopt a resolution authorizing submission of the CETA Title I Fiscal Year 1978 Annual Plan to the Department of Labor of \$2,614,754. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Trevino, Mayor McClellan,  
Mayor Pro Tem Snell, Councilmembers Cooke, Goodman  
Noes: None

## SPECIAL CRISIS INTERVENTION PROGRAM

Councilmember Goodman moved that the Council adopt a resolution to authorize entering into agreements with utility companies and fuel dealers to implement the Special Crisis Intervention Program for July 1, 1977 through August 31, 1977. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Mullen, Trevino, Mayor McClellan, Mayor Pro  
Tem Snell, Councilmembers Cooke, Goodman, Himmelblau  
Noes: None

Councilmember Himmelblau asked what area this covered. She was told that the program covers the City of Austin and Travis County.

#### CITY COUNCIL GOALS AND OBJECTIVES

Councilmember Cooke moved that the Council postpone adoption of the City Council Goals and Objectives for 1977-1979, until August 25, 1977. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Mayor Pro Tem  
Snell, Councilmembers Cooke, Goodman, Himmelblau, Mullen  
Noes: None

#### AMENDING RESTRICTIVE COVENANT

Councilmember Goodman moved that the Council adopt a resolution to approve amending the restrictive covenant for Zoning Case C14-76-115. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen, Trevino  
Noes: None

City Attorney Jerry Harris indicated that this was pursuant to City Council action taken June 30, 1977. The zoning case involved the University Christian Church and a restrictive covenant originally limiting three lots to use for parking and landscaping. The church, however, was only able to acquire two of the lots and thus the amended restrictive covenant.

#### DEMOLITION ORDER

The Council considered appeals filed in the Building Inspection Department of the demolition orders on the following substandard structures which have not been repaired or demolished within the required time:

- a. 1104 East 12th Street (Units E, R, G & H) Charles E. Schroeder, Appellant
- b. 1106 East 12th Street (Units A & B) Charles E. Schroeder, Appellant
- c. 2803 Crest Avenue (Units A & B) Charles E. Schroeder, Appellant; Austin National Bank, owner.

Mr. Lonnie Davis, Director of the Building Inspections Department, stated that the above items were referred to Council by the Building Standards Commission. He stated that this was the second time these items had come before the Building Standards Commission and the City Council, and that the Council had previously forwarded the matter on to the Legal Department for a determination of legal disposition. Thus far, no legal action has been taken in that the appellant has not retained legal representation on his behalf. Mr. Davis then reviewed slides of the subject property. He stated that the recommendation from the Commission was to demolish all three locations and clear the lot. This was the decision that was being appealed to the Council.

MR. CHARLES E. SCHROEDER, owner of the property in question, spoke before the Council. Mr. Schroeder pointed out that the slides presented by Mr. Davis did not show the repair work that had been done to units E and F at 1104 East 12th Street. The slides did show units G and H (1104 East 12th) and units A and B at 1106 East 12th Street, both sites to which no work has been done. Mr. Schroeder pointed out that he had permits on units E and F at 1104 East 12th Street. Councilmember Goodman pointed out that Mr. Schroeder had also taken out permits on his property at 1106 East 12th Street. Mr. Schroeder indicated that he would have units E and F (1104 East 12th) repaired within 45 days, units A and B (1106 East 12th) repaired within 120 days and units G and H (1104 East 12th) demolished within 120 days. He felt that the accusations of the Building Standards Commission were not valid and that the buildings were simply in need of repairs.

MR. BILL DORMAN, member of the Building Standards Commission and a general contractor, stated that the Commission concurred with the Building Department that it would not be possible to bring the buildings up to any thing other than minimum standards. Mr. Dorman indicated that they felt it would be in the best interest of the people of Austin if the buildings were demolished. He indicated that if this decision was not sustained by the Council, future orders of demolition would be ignored. JIM ROCKWELL, member of the Building Standards Commission, said he dissented on both structures. MS. NELLA CUNNINGHAM, Acting Chairman, invited the Council to tour the sub-standard houses.

Motion - Failed

Mayor Pro Tem Snell moved that the Council sustain the Building Standard Commission's recommendation to demolish subject property. The motion, seconded by Councilmember Goodman, failed to carry by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmember Trevino, Mayor McClellan  
Noes: Councilmembers Cooke, Mullen  
Abstain: Councilmembers Goodman, Himmelblau

Motion

Councilmember Mullen moved that the Council proceed with the recommendation from the Building Standards Commission with the exceptions of units E and F (1104 East 12th), allowing a time period of 45 days for repairs to the property. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Mayor  
McClellan  
Noes: Councilmember Trevino, Mayor Pro Tem Snell

Motion

Councilmember Goodman moved that the Council accept the recommendation of the Building Standards Commission in regards to the demolition of units A and B, 2803 Crest Avenue. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino, Mayor  
McClellan, Mayor Pro Tem Snell, Councilmember Cooke  
Noes: None

COMMUNITY DEVELOPMENT COMMISSION

The Council considered a request for County representation on the Community Development Commission. Councilmember Himmelblau indicated that in order to change the representation on the Commission, there would have to be a redraft of the Ordinance establishing the Commission. Mr. Jim Miller, Assistant City Manager, verified this fact. Mr. Andy Ramirez, Director of the Human Resources Department, indicated that the County would not only receive 18% of designated CSA funds, but would also have a say as to how the other 82% is spent if it has representation on a City Commission. MS. MARIE BRUFFY, a member of the Community Development Commission asked that this matter be brought before the Commission. Councilmember Himmelblau recommended that the membership on the Commission be kept as it is.

MOPAC BOULEVARD DESIGN PLAN

Mr. Joe Ternus, Director of the Urban Transportation Department, told the Council that as a routine item, the State Highway Department had submitted to the City Manager a set of plans and specifications for all State highway projects that come within the City limits. He stated that the plans are also reviewed by the City staff but because of the magnitude of the particular project, the Council had directed the City Manager to bring back the plans with an over-view of the northern extension of MoPac from North Hills Drive to U.S. 183. Mr. Ternus indicated that the plans were consistent with the Environmental Design Study and recommended approval of the plans. He stated that they were asking that the City Manager be authorized to sign the construction plans. He also noted this had been reviewed with the Balcones Neighborhood Association.

Councilmember Goodman asked what would be north of U.S. 183. Mr. Ternus stated that the original plan was to extend MoPac out toward the IBM plant in north Austin. In conjunction with this, Loop 360 would also be extended north. As a result of a number of suggestions, this has been revised and the current plan is to terminate MoPac at U.S. 183 and extend Loop 360 in a more northerly direction to tie in with F.M. 1325 in the vicinity of the IBM plant. Mr. Ternus showed the Council a map which designated the original proposal for MoPac.

Councilmember Cooke asked Mr. Ternus what the time table on extending MoPac to U.S. 183 was. Mr. Ternus indicated that the matter would first be referred to the Urban Transportation Commission and then back to the Council for a public hearing. Except for the conceptual plan, there has never been an actual construction plan. Mr. Ternus indicated that all of the right-of-way up to U.S. 183 has been purchased and that the State was already implementing some preliminary drawings of the project.

MS. ANNA DRAYER stated that she was in support of the completion of MoPac to U.S. 183. She indicated that she was disturbed when she read that it had been suggested that MoPac be extended north with frontage to form a connection with Loop 360 at F.M. 1325. She felt that this would bring more out of town truck traffic through the City. Ms. Drayer urged the Council to not piecemeal the project. She suggested asking specific questions of the Highway Department so as to know what they proposed to put between US 183 and where MoPac is now.

#### Motion

Councilmember Trevino moved that the Council refer the matter to the Urban Transportation Commission for two weeks. The motion was seconded by Councilmember Goodman.

MS. PHYLLIS ROTHGEB, Vice-Chairperson of the Urban Transportation Commission, stated that the project had not been reviewed by the Commission. She stated that the Commission would be happy to look at it next week. Ms. Rothgeb felt that if the new designs were not carefully looked at now to see how traffic is routed, there could be serious noise problems. She felt that the design plan could bring interstate traffic through the City and could also encourage persons to live outside of the City limits, drawing revenue out of the City.

Mr. Ternus stated the plan which was presented was simply a design review and did not in any way imply an extension north of U.S. 183. Mr. Davidson indicated that there were no plans to continue beyond U.S. 183 and MoPac to F.M. 1325 with frontage roads.

#### Substitute Motion

Councilmember Himmelblau made a substitute motion to accept the MoPac Boulevard Design Plan as presented by the Urban Transportation Department. The motion was seconded by Councilmember Mullen.

MR. HOWARD FERGUSON stated that the plan seemed to indicate that the left frontage road for MoPac went as far as U.S. 183 and then ended. He indicated that this was the kind of thing that the Council should watch for. Mr. Ternus pointed out that this designation on the plans was merely a right-of-way line and Mr. Davidson indicated that there was nothing proposed for construction on the plans themselves.

MR. JOHN ROTHGEB stated that the State Highway Department should give citizens a chance to review plans that are made. Mr. Ternus indicated that he did not personally anticipate the design plan to generate a lot of community interest and as such did not go to great lengths to inform the public about the design plan.

MS. PATTY HAKES recommended that the design plan be referred back to the Urban Transportation Department for further review.

Roll Call on Substitute Motion

Ayes: Mayor McClellan\*, Councilmembers Cooke\*, Himmelblau, Mullen  
 Noes: Councilmember Trevino, Mayor Pro Tem Snell, Councilmember  
 Goodman\*

Mayor McClellan announced that the substitute motion had passed.

\*Mayor McClellan asked Mr. Ternus to supply maximum information from this point forward. "I don't want to slow down to 183, I'm not in any way endorsing anything going on beyond that point and want maximum information flowing to the Commission."

\*Councilmember Cooke said: "I think the understanding that MoPac, possibly from the information that the public has been made available to them, could be extended north to 183 has caused this concern. I don't believe from all the information I've seen and heard that it is going to be. I don't think that's the intention of this Council. I think we should move on this."

\*Councilmember Goodman stated: "That is the intention of the Council and I don't think two weeks would be a catastrophe by a long shot. The Urban Transportation Commission has routinely reviewed any number of other projects. I don't see why the Balcones Civic Association should enjoy any special advantage."

HOTEL OCCUPANCY TAX RATE

Councilmember Cooke stated that the State Legislature had authorized the City to raise its Hotel Occupancy Tax from 3% to 4%.

Councilmember Cooke moved that the Council set a public hearing to amend the Hotel Occupancy Tax Rate for August 25, 1977, at 3:00 p.m. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
 Cooke, Goodman, Himmelblau, Mullen, Trevino  
 Noes: None

FISCAL NOTE ORDINANCE

Mayor McClellan introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A SYSTEM OF FISCAL NOTES FOR ORDINANCES THAT REQUIRE THE EXPENDITURE OF NON-BUDGETED CITY FUNDS OR THAT REQUIRE ANY NEW LOCAL TAX, FEE, LICENSE CHARGE, OR PENALTY OR THAT REQUIRE AN INCREASE OR DECREASE IN ANY EXISTING LOCAL TAX, FEE, LICENSE CHARGE OR PENALTY; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance, including the phrase "including options for source of funds covering probable cost" rather than requiring identification of funding sources. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Himmelblau, Mullen, Trevino  
Noes: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

Councilmember Goodman felt that there was not a necessity for the proposed amendment since there were not abuses of the Ordinance in the past.

#### 1977-78 ANNUAL OPERATING BUDGET

Councilmember Himmelblau moved that the Council set work sessions for review of the 1977-78 Annual Operating Budget for the following dates and times:

August 22, 2:00 p.m. - 6:00 p.m.  
August 23, 1:00 p.m. - 4:00 p.m.  
August 24, 2:00 p.m. - 4:00 p.m.  
August 30, 2:00 p.m. - 4:00 p.m.  
August 31, 2:00 p.m. - 6:00 p.m.

The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Cooke, Himmelblau,  
Mullen, Trevino, Mayor McClellan  
Noes: None  
Not in Council Chamber when roll was called: Councilmember Goodman

#### RIGHT-OF-WAYS

Councilmember Himmelblau moved that the Council approve the following:

1. Reduce right-of-way for Chapman Road from 80 feet to 70 feet.
2. Reduce right-of-way requirement for Chapman Road in Zoning Case C14-77-018 from 15 feet to 10 feet.
3. Reduce deed of 5 feet of right-of-way back to the property owners on the west side of Chapman Road who previously dedicated 15 feet of right-of-way for Chapman Road.

The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Himmelblau\*, Mullen, Trevino, Mayor  
McClellan  
Noes: Councilmembers Cooke, Goodman, Mayor Pro Tem Snell

\*Councilmember Himmelblau indicated that she was reversing her previous decision on the matter because there were not any plans to widen the subject streets.

EMERGENCY ITEM  
LOCAL PUBLIC WORKS FUNDING APPLICATION

Mr. Jim Miller, Assistant City Manager, told the Council that on August 2, 1977, the City had been informed that the Economic Development Administration of the Department of Commerce had reserved a planning figure of \$594,000 for the City of Austin to be used jointly in negotiation with the Austin Independent School District. Mr. Miller indicated that the applications for the funding had to be in by August 17, 1977, or else the money would be lost. He stated that they had met with the A.I.S.D. staff and have worked out three particular projects with them. Mr. Miller stated that the Council would need to designate priorities for the funds. He then outlined the staff recommendations for priorities:

1. Expansion of the City of Austin tennis facilities.
2. Removal of architectural barriers in some schools.
3. City of Austin recreation parks improvements. This includes Metz Park and Doris Miller Auditorium.

Mr. Miller stated that part of the criteria for the funding was that the projects had to be under construction within 90 days. He stated that the school district was in agreement with the projects as presented.

Councilmember Goodman moved that the Council authorize submission of the funding application. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino, Mayor McClellan, Mayor Pro Tem Snell, Councilmember Cooke  
Noes: None

LEASE OF DENTAL CLINIC BUILDING

Mr. Joe Morahan, Director of the Property Management Department, stated that two weeks ago the East Austin Optimist Club requested that the Council lease to it the old Dental Clinic building in the 1100 block of Chestnut Street for their boxing program. He indicated that they have worked out the zoning problems with the building and were in the process of checking for structural alterations that might be needed. Mr. Morahan indicated that the checking could be completed in another day or so and that a lease agreement would be prepared to be brought before the Council for further recommendation. Mr. Morahan hoped to come back before the Council for the lease agreement recommendation on August 25, 1977. Councilmember Himmelblau asked if the City currently owned the property. Mr. Morahan stated that the City did own the property but did not currently have any plans for the property. He stated that the building was slated for demolition because of its poor condition and the cost of making it suitable for any other public purpose would have been prohibited. He indicated that the East Austin Optimist Club could make it work for their program. Mr. Morahan indicated that the Club had been informed that the responsibility for repairs to the building would be up to the Club. They would also be responsible for utility cost and insurance.

## FIRE SAFETY

Mr. Lonnie Davis, Director of the Building Inspections Department, presented Mr. HENRY HOLMAN, Chairman of the Austin Building Code Board of Appeals, who presented the Council with a report on the Fire Safety of High Rise Constructions. The report contained recommendations to adopt additional fire safety requirements for high rise offices and residential buildings in excess of 75 feet in height. Mr. Holman then presented a brief outline of the report. Mr. Holman stated the provisions in the report have been coordinated with representatives of the Austin Fire Department and that they were in support of the recommendations. He indicated that the Building Code Board of Appeals felt that additional fire safety requirements would give more protection to persons in high rise structures. The Board of Appeals adopted the recommendations by unanimous vote.

Councilmember Himmelblau moved that the Council accept the report from the Building Code Board of Appeals. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Trevino, Mayor McClellan,  
Mayor Pro Tem Snell, Councilmembers Cooke, Goodman  
Noes: None

## ADJOURNMENT

The Council then adjourned at 6:05 p.m.

APPROVED

  
Mayor

ATTEST:

  
City Clerk